

COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT

UNITED STATES DISTRICT COURT

CIVIL ACTION NO.: 04 CV 10632 MEL

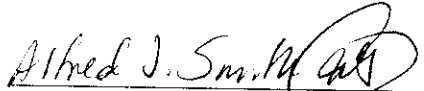
MARY B. SMITH,)
)
Plaintiff)
)
vs.)
)
DAVID C. NICHOLSON, TRUSTEE)
OF THE D.J.J. REALTY TRUST,)
DOMINIC M. SAWICKI,)
TRUSTEE OF THE DOMINIC M.)
SAWICKI NOMINEE TRUST,)
AND CAROL ANN WHITNEY)
AND GLENN WHITNEY,)
)
Defendants)


JOINT MOTION TO EXTEND TRACKING ORDER

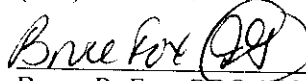
The parties in this matter move this court to extend the tracking order by 180 days. As grounds for this motion, the parties state that the deposition of the plaintiff has not yet been conducted as the plaintiff resides in Connecticut creating difficulties for the parties to schedule the deposition. The deposition was scheduled but one of the attorneys for the defendants became ill necessitating cancellation of the deposition. The parties are now working towards a new deposition date.

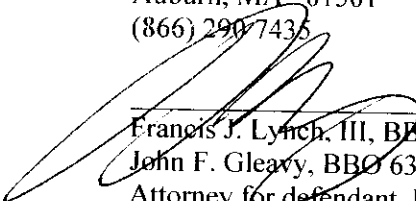
The discovery deadline was scheduled for February 1, 2005 and all summary judgments were to be filed by March 15, 2005. The parties request these deadlines be extended by 180 days as the parties expect that additional discovery will be conducted after the deposition of the plaintiff.

Wherefore, the parties request the tracking order be extended an additional 180 days.


Alfred J. Smith, BBO 467 700
Attorney for plaintiff
706 Bedford Street
Stamford, CT 06901
(203) 359 3200


Robert A. Curley, Jr. BBO 109 180
Kim M. Roussos, BBO 637 408
Attorneys for defendants,
Dominic M. Sawicki, Trustee
Domenic M. Sawicki Nominee Trust
27 School Street
Boston, MA 02108
(617) 523-2990


Bruce R. Fox, BBO 176 320
Attorney for defendants, Carol Ann
Whitney and Glenn Whitney
Law Offices of Bruce R. Fox
27 B Midstate Office Park
Auburn, MA 01501
(866) 290 7436


Francis J. Lynch, III, BBO 308 740
John F. Gleavy, BBO 636 888
Attorney for defendant, David C. Nicholson
Lynch & Lynch
45 Bristol Drive
South Easton, MA 02375
(508) 230-2500

AFFIDAVIT OF SERVICE

I, John F. Gleavy, attorney for the defendant, hereby certify that on March 9, 2005, I served the following documentation:

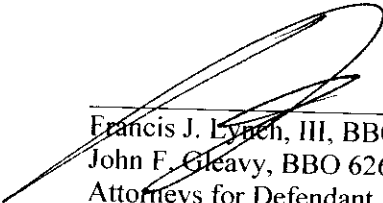
JOINT MOTION TO EXTEND TRACKING ORDER

on all counsel of record by mailing same postage prepaid to the following:

Alfred J. Smith, Esquire
706 Bedford Street
Stamford, CT 06901

Bruce R. Fox, Esquire
Law Offices of Bruce R. Fox
27 B Midstate Office Park
Auburn, MA 01501

Robert A. Curley, Jr., Esquire
Kim M. Roussos, Esquire
27 School Street
Boston, MA 02108



Francis J. Lynch, III, BBO 308 740
John F. Gleavy, BBO 626 888
Attorneys for Defendant
Lynch & Lynch
45 Bristol Drive
South Easton, MA 02375
(508) 230-2500